

**MINUTES OF THE  
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION  
MEETING OF DECEMBER 10, 2020**

MEMBERS PRESENT

John Lackey  
Robin Baldree  
Don Crohan  
Steve Lane  
Beth Lothers  
Jessica Lucyshyn  
Keith McCord  
Sammie McCoy  
Bryan Richter  
Rhonda Rose  
Eddie Sanders

STAFF PRESENT

Joe Horne, Community Development Director  
Michael Matteson, Planning Director  
Floyd Heflin, County Engineer  
William Andrews, County Engineer Assistant  
Kristi Ransom, Attorney  
Aaron Holmes, Planning Coordinator  
Lincoln Sweet, Planner  
Dr. Geovanna Torres, Planner  
Lania Escobar, Planning Assistant  
Christina Collins, Planning Assistant

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The Williamson County Regional Planning Commission met in regular session Thursday, December 10, 2020 at 5:30 p.m. via GoToMeeting, online video conferencing.

Chairman Lackey called the meeting to order and asked Mike Matteson to call the roll. At the time of roll call Commissioners Lane and Richter were not present due to technical issues and both joined the meeting a short time later.

Chairman Lackey asked for a motion to hold the Planning Commission meeting electronically due to the COVID-19 crisis.

A motion to conduct the Planning Commission meeting electronically due to the necessity caused by the COVID-19 crisis was made by Commissioner Crohan. The motion was seconded by Commissioner McCoy, and passed by unanimous roll call vote.

Mr. Matteson announced the following:

1. Reminded those on the electronic meeting to keep microphone on mute when not speaking and to announce their name when speaking; and
2. The Comprehensive Plan adopted in March 2020, received an award for excellence in land use initiatives by the Greater Nashville Regional Council (GNRC).

Noting the number of speakers present to speak regarding Item 16, Chairman Lackey requested a motion to temporarily alter the By-Laws and extend the Public Hearing from thirty (30) minutes to sixty (60) minutes.

A motion to temporarily alter the By-Laws and extend public speaking time to sixty (60) minutes for Item 16 was made by Commissioner McCoy. The motion was seconded by Commissioner Lothers, and passed by unanimous roll call vote. Commissioner Lane joined the meeting.

**CONSIDERATION OF NOVEMBER 12, 2020 MINUTES:**

Chairman Lackey asked for a motion to consider the minutes of the November 12, 2020 Planning Commission meeting.

A motion to approve the November 12, 2020 minutes was made by Commissioner McCoy. The motion was seconded by Commissioner Rose, and passed by unanimous roll call vote. Commissioner Richter joined the meeting.

**CONSENT AGENDA:**

Chairman Lackey asked if any of the Commissioners would like to consider an Item for separate discussion from the Consent Agenda. Hearing none, Mr. Matteson read the following Consent Agenda Items into the record:

3. **Arrington Retreat, Section 4** – Maintenance Bond for Roads, Drainage and Erosion Control - \$348,000  
**Recommendation:** Reduce to an amount of \$250,000 and extend for a period of six (6) months, in order to allow completion of the release process.
4. **Cox Ladd Treatment Facility** – Performance Bond for Wastewater Treatment and Disposal System - \$120,000  
**Recommendation:** Extend in the current amount for one (1) year.
5. **Cox Ladd Treatment Facility** – Performance Bond for Landscaping - \$50,600  
**Recommendation:** Extend in the current amount for six (6) months.
6. **Hardeman Springs Wastewater Area** – Performance Bond for Wastewater Treatment and Disposal System - \$165,000  
**Recommendation:** Convert to maintenance in the amount of \$165,000 and extend for a period of two (2) years.
7. **McDaniel Estates, Section 1** – Maintenance Bond for Water - \$38,200  
**Recommendation:** Release the bond.
8. **Temple Hills, Phase B, Section 16** – Maintenance Bond for Roads, Drainage and Erosion Control - \$135,000  
**Recommendation:** Release the bond.
9. **Temple Hills, Phase C, Section 16** – Maintenance Bond for Roads, Drainage and Erosion Control - \$190,000  
**Recommendation:** Release the bond.
10. **The Grove, Section 6** – Maintenance Bond for Roads, Drainage and Erosion Control - \$300,000  
**Recommendation:** Extend in the current amount for one (1) year.
11. **Troubadour, Section 1** – Performance Bond for Wastewater Treatment and Disposal System - \$537,000  
**Recommendation:** Extend in the current amount for one (1) year.
12. **Vulcan Materials** – Performance Bond for Landscaping - \$63,350  
**Recommendation:** Extend in the current amount for one (1) year.

There being no comments, Commissioner Rose made a motion to accept Staff's recommendation on the Consent Agenda. Commissioner McCoy seconded the motion, and the motion passed by unanimous roll call vote.

**OLD BUSINESS:**

**ITEM 13**

**NON-RESIDENTIAL SITE PLAN REVIEW FOR REDEMPTION CITY CHURCH, ON 30.91 ACRES LOCATED OFF CLOVERCROFT ROAD IN THE 4<sup>TH</sup> VOTING DISTRICT (5-2020-013)**

Mr. Holmes reviewed the background (see Staff Report), and Staff recommended approval with the following conditions:

- 1) Posting of a Performance Bond for landscaping improvements in the amount of \$159,225;
- 2) Establishment of a Maintenance Bond for water improvements in favor of Milcrofton Utility District in the amount of \$18,132;
- 3) Establishment of a Performance Bond for sewer improvements in favor of the City of Franklin in the amount of \$254,000;
- 4) Execution of a Performance Agreement for the above referenced sureties;
- 5) Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
- 6) All signage must be approved per Ordinance requirements.

Commissioner Rose questioned if the County will hear from the City of Franklin regarding the Site Plan shared with them as this project is within the urban growth boundary (UGB).

Mr. Holmes noted that the Site Plan was shared with the City of Franklin and that the County does not always receive a response regarding items as such, in this case the County did not receive a response from the City of Franklin.

There being no further comments, Commissioner Crohan made a motion to accept Staff's recommendation on Item 13. Commissioner Richter seconded the motion, and the motion passed by unanimous roll call vote.

#### **ITEM 14**

#### **FINAL PLAT REVIEW FOR CAYMUS SUBDIVISION, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 6 LOTS ON 35.6 ACRES LOCATED OFF SOUTH CAROTHERS ROAD IN THE 4<sup>TH</sup> VOTING DISTRICT (1-2020-426)**

Mr. Sweet reviewed the background (see Staff Report), and noted that the applicant requested action on this Item be deferred until the January 2021 meeting. Staff concurred with this request.

There being no comments, Commissioner Lothers made a motion to accept Staff's recommendation on Item 14. Commissioner Baldree seconded the motion, and the motion passed by unanimous roll call vote.

#### **ITEM 15**

#### **CONCEPT PLAN REVIEW FOR ALICE HOOKER PROPERTY, CONTAINING 7 LOTS ON 14.08 ACRES, LOCATED OFF VAUGHN ROAD IN THE 8TH VOTING DISTRICT (1-2020-208)**

Dr. Torres reviewed the background (see Staff Report), and Staff recommended approval of this Concept Plan with the following conditions:

The Preliminary Plat must address the following:

1. All off-site improvements, as specified in the Traffic Access Analysis review letter from the County's traffic consultant (see Attachment 15-3), must be approved by the County Highway Department;
2. Submission of roads, drainage and erosion control plans for review and approval by the County Engineer; and

3. Submission of water plans for review and approval by Harpeth Valley Utilities District (HVUD).

The Final Plat must address the following:

1. All off-site improvements, as specified in the Traffic Access Analysis review letter from the County's traffic consultant (see Attachment 15-3), must be completed to the satisfaction of the County Highway Superintendent;
2. Dedication of a right-of-way thirty (30) feet off the center line of Vaughn Road;
3. Prior to consideration of Final Plat approval, the applicant shall submit HOA documents for review and approval by the County Attorney's office. The HOA documents must be submitted with the Final Plat, and the approved HOA documents must be recorded concurrently with the recording of the Final Plat;
4. Establishment of a performance bond for roads, drainage and erosion control;
5. Establishment of a performance bond for water improvements in favor of Harpeth Valley Utilities District (HVUD);
6. Establishment of a performance bond for sewer improvements in favor of Harpeth Valley Utilities District (HVUD);
7. Submission of landscaping plans and establishment of a performance bond for landscaping;
8. Execution of Performance Agreements for the above referenced sureties;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
10. Submission of the approved Final Plat in .dwg format on recordable media based on the Tennessee State Plane Coordinate System prior to signature and recording of the plat.

Commissioner Baldree noted that the development appeared to be encompassed with the larger development as shown on the Concept Plan for Item 16.

Dr. Torres stated that this proposal is separate from Item 16.

Commissioner Baldree indicated that Item 15 is located on the Plat for Item 16.

Commissioner Richter concurred with Commissioner Baldree's observation and added that Attachment 16-2 includes the Lots from Item 15.

Mr. Matteson announced that the applicant was in the meeting and available to respond.

Allen Thompson with Ragan Smith and Associates, represented their client, Lisa Campbell. He stated that Items 15 and 16 are properties owned by the same individual, but are different projects. He noted that Item 15 is a traditional seven (7) lot subdivision and is located to the south of the development shown for Item 16.

Commissioner Richter asked for clarification of distances between the three (3) entrances, as shown on the Concept Plans for Items 15 and 16.

Mr. Thompson stated that the distance between Item 15 and Item 16 is approximately six hundred feet (600').

Commissioner Richter questioned the distance of the development from the active bald eagles nest.

Mr. Thompson replied that the eagles nest is outside of the six hundred and sixty foot (660') radius.

Commissioner Richter asked if the distance was within a half mile.

Mr. Thompson responded "yes".

Commissioner Richter noted that the Fish and Wildlife Service recommends no blasting to occur within a half mile of any active bald eagle's nest. He asked if there will be blasting on this site.

Mr. Thompson explained that blasting is a construction practice and announced that David Jackson of BDY was present to explain the process. He noted that if this is an active eagle's nest there are federal regulations that prohibit blasting.

Mr. Jackson with BDY environmental noted that they will be observing the nest over the winter to determine if it is indeed an active eagle's nest. The guidelines that are in place by the Fish and Wildlife Service provide a six hundred and sixty foot (660') buffer and limitations on blasting are dependent upon the occupancy of the eagle. He noted that they have spoken to the Fish and Wildlife biologist for region 4 and are abiding by guidelines.

Commissioner Richter requested that this be a condition of approval should the Planning Commission vote to accept the application.

Commissioner Richter inquired about the process of historical findings of The Natchez Trace being present on the property.

Mr. Jackson noted that research is being conducted to determine the historical findings of The Natchez Trace present on the property. Thus far, historical studies of the National Park Service have shown that The Natchez Trace followed the route of Vaughn Road. It was suggested that based upon the topography of the landscape within this seven (7) lot development, it is believed that The Natchez Trace would not have involved this property.

Commissioner Rose inquired as to how a determination of an active eagle's nest is made.

Mr. Jackson clarified that he is not a zoologist, and stated that it is his understanding that the definition of an active eagle's nest shows that the eagles are nesting, incubating eggs, and nurturing young in the nest. He noted that eagles will typically actively utilize the nest from October to May, and that during this time, the eagles are not on the move. According to the Bald and Golden Eagle Act, observations must occur from a distance. There are restrictions in place that do not allow for disruption of the birds. He noted they have a trained zoologist on Staff familiar with the regulations of the Bald and Golden Eagle Act. The Staff zoologist has been in communication with a regional eagle biologist, as well as a biologist for the U.S. Fish and Wildlife Service.

Commissioner McCoy expressed concern for potential conflict points along Vaughn Road at the entrances of the developments shown on the Concept Plans for Items 15 and 16. He noted that while the three (3) entrances meet the requirement for approval, one (1) entrance on the Concept Plan for Item 15 and the two (2) entrances present on the Concept Plan for Item 16, together these entrances are positioned within twelve hundred feet (1,200') along the collector roadway in the

location of an "S" curve, thereby creating conflict points along the three (3) entrances. He commented that the one (1) acre lots of Item 15 are somewhat meeting the character of the area, while noting their compact orientation along Vaughn Road.

Commissioner Richter asked Staff if Item 15 meets the intent of the 2040 Comprehensive Plan.

Mr. Matteson noted that recent case law addressed the consistency of development and its correlation to the Comprehensive Plan. The Williamson County 2040 Comprehensive Plan suggests that this area of the County be restricted to rural density of one (1) unit per 5 acres. The 2040 Comprehensive Plan includes language specific to maintaining the rural character of the area, low density residential use, and the preservation of open space and natural resources. The new case law suggests that the Comprehensive Plan could be considered when reviewing an application.

Commissioner Richter shared the same concerns expressed by Commissioner McCoy regarding conflict points at entrances.

Brandon Baxter, a traffic engineer with Ragan Smith and Associates, spoke to the relationship of the three (3) entrances along Vaughn Road. He noted that entrance locations were chosen for good sight distance and length apart from each other as to not overlap. For Item 15 they chose to have one frontage road with one entrance onto Vaughn Road verses seven (7) driveways onto Vaughn Road.

Commissioner Richter inquired about the sight distance from the access point of the seven (7) lot development.

Mr. Baxter noted that the sight distance when looking south to Sneed Road and when looking north, is approximately six hundred feet (600').

Commissioner Baldree concurred with the concerns expressed by Commissioner McCoy regarding the entrances and conflict points along Vaughn Road that will exist between the two (2) developments. She questioned why Item 15 was created as a separate development and not combined with Item 16.

Mr. Thompson explained this was to provide a variety of housing options and to minimize impact to an existing stream.

Commissioner Baldree shared concerns expressed by Commissioner Richter regarding observation of the eagle's nest during construction.

Mr. Thompson explained that BDY would be brought on and tasked with observation of the eagles nest as required by federal guidelines. He explained that there are strict Federal guidelines for an active eagles nests. He noted that prior to Preliminary Plat approval, determination of the nest and observations are required. Determination and observation of the nest may have impacts on construction practices if findings show the nest to be an active eagle's nest.

Commissioner Lothers noted that the lot sizes of Item 15 are more characteristic of the area, however, when looking at the base density of this development it is not representative of the Comprehensive Plan that was approved by the elected body.

Mr. Matteson clarified that the 2040 Comprehensive Plan recommends one (1) unit per five (5) acres for this area.

Commissioner Lucyshyn noted that other lots of this size appear not to have access to Vaughn Road in the way this development proposes. She stated that this seems incompatible with the area.

Mr. Thompson responded that the lot size is more comparable to developments located north where lots have direct access to Vaughn Road. He noted that the Zoning Ordinance required a central point of access.

Mr. Thompson expressed appreciation for Staff's recommendation for approval and the Planning Commission's consideration of Staff's recommendation.

Commissioner Lucyshyn noted that the County's traffic consultant recommended that Vaughn Road improvements be made along the proposed property frontage. She questioned why improvements were not recommended for both sides of Vaughn Road.

Mr. Matteson announced that the County's traffic consultant, Bob Murphy, was available to address the question.

Mr. Murphy of KCI Technologies, the County traffic consultant, noted that the recommendation is to widen Vaughn Road along the frontage of the development. He stated that as development grows along Vaughn Road, adding for right-of-way will occur along the frontage of future developments.

Commissioner Lucyshyn asked for the current and future lane widths.

Mr. Murphy noted that the current lane width is ten feet (10') to eleven feet (11') with a shoulder width of one and a half feet (1.5') to two feet (2'). The future requirement is for an eleven foot (11') lane and a six foot (6') shoulder.

Mr. Baxter concurred with Mr. Murphy.

There being no further comments, Commissioner Richter made a motion to accept Staff's recommendation on Item 15 with the added condition that if the eagle's nest is active that there will be no blasting within a half mile and that the requirements of the Bald and Golden Eagle Protection Act are followed. Commissioner Rose seconded the motion, and the motion passed 7-4 with Commissioners Baldree, Crohan, Lothers, and Lucyshyn voting "no".

**PUBLIC HEARINGS:**

**ITEM 16**

**CONCEPT PLAN REVIEW FOR ALICE HOOKER PROPERTY, CONTAINING 121 LOTS ON 175.4 ACRES LOCATED OFF VAUGHN ROAD IN THE 8TH VOTING DISTRICT (1-2020-206)**

Mr. Holmes reviewed the background (see Staff Report), and Staff recommended approval of this Concept Plan with the following conditions:

The Preliminary Plat must address the following:

1. All off-site improvements as specified in the Traffic Impact Analysis review letter from the County's traffic consultant (See Attachments 16-4 and 16-6) must be approved by the County Highway Department or TDOT, as applicable;
2. Submission of roads, drainage and erosion control plans for review and approval by the County Engineer; and
3. Submission of water plans for review and approval by Harpeth Valley Utilities District (HVUD).

The Final Plat must address the following:

1. Dedication of right-of-way thirty (30) feet off the center line of Vaughn Road;
2. Prior to consideration of Final Plat approval, the applicant shall submit HOA documents for review and approval by the County Attorney's office. The HOA documents must be submitted with the Final Plat, and the approved HOA documents must be recorded concurrently with the recording of the Final Plat;
3. All off-site improvements as specified in the Traffic Impact Analysis review letter from the County's traffic consultant (See Attachments 16-4 and 16-6) must be completed in to the satisfaction of the County Highway Superintendent or TDOT, as applicable;
4. Establishment of a performance bond for roads, drainage and erosion control;
5. Establishment of a performance bond for water improvements in favor of Harpeth Valley Utilities District (HVUD);
6. Establishment of a performance bond for sewer improvements in favor of Harpeth Valley Utilities District (HVUD);
7. Submission of landscaping plans and establishment of a performance bond for landscaping;
8. Execution of Performance Agreements for the above referenced sureties;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
10. Submission of the approved Final Plat in .dwg format on recordable media based on the Tennessee State Plane Coordinate System prior to signature and recording of the plat.

Mr. Holmes added that public written correspondence regarding Item 16 was provided to the Planning Commission via email.

Commissioner Crohan recused himself from Item 16.

Chairman Lackey noted the number of speakers signed up to speak and allocated three (3) minutes of time to each speaker. Chairman Lackey opened the Public Hearing.

Bob Peterman, 720 Wild Timber Court, announced that 2,244 Williamson County residents signed a petition opposing the proposed Alice Hooker Property development. He indicated that while the application is technically complete, it violates the spirit of the Williamson County 2040 Comprehensive Land Use Plan and the Zoning Ordinance. He noted substantive issues with the proposed development including incompatibility with surrounding areas and traffic hazards at the multiple entrances along Vaughn Road. He suggested that intersection improvements at Vaughn Road/Old Hickory and Sneed/Hillsboro Roads should be completed by the developers prior to building permits being issued. He spoke to issues including the number of lots proposed on hillsides that include fifteen (15) degree slopes, stormwater drainage, geothermal studies not conducted where dense housing is proposed, blasting guidelines when an eagles nest is present, and historical evidence that The Natchez Trace may be present on the property. He stated that the proposal is incomplete, incompatible with the area, nonconforming with current law, along with existing infrastructure issues. He urged the Planning Commission to deny the application.



Chad Bortorff, 2820 Sawyer Bend Road, requested the Planning Commission deny the application based upon direct conflict with the purpose of a Conservation Subdivision. According to the Zoning Ordinance, Section 12.01, the purpose of a Conservation Subdivision is to 1) to promote development that preserves rural character, 2) to encourage the permanent preservation of open space and the protection of natural resources, and 3) to minimize the total amount of land disturbance associated with the new development. He stated that the Hooker development does not adhere to conservation subdivision design guidelines. Deviation from design guidelines negatively impacts the entire community and destroys natural resources that the ordinances help protect. He noted that sheets two (2) and three (3) of the Concept Plan show the topography of the development which includes steep slopes and hilltops. He noted on sheet two (2), the applicant identified seventy-two (72) out of one hundred twenty-five (125) lots are designated as critical lots due to natural conditions of steep grades and slopes. He noted that sheet three (3) shows an elevation of approximately one hundred feet (100') above Vaughn Road. He stated that subdivision roads, Hill Topper Hill and Hounds Ear Lane will destroy hillside, hilltops, and natural resources. He encouraged the Planning Commission to deny the Concept Plan due to conflicts of the Williamson County Zoning Ordinance, Section 13.01, which specify the protection of ridgetops and hillsides within development.

Sharon Pugh, 1290 Hunter Trail Drive, spoke to the preservation of wildlife. She stated that the proposed development is in conflict with the purpose of a Conservation Subdivision which is to encourage the protection of natural resources. She noted that the area is home to a variety of wildlife, including turkeys, deer, turtles, foxes, coyotes, bobcats, red-tailed hawks, and bald eagles where both active and inactive eagles nests are federally protected under the Bald and Golden Eagle Act. She encouraged the preservation of natural resources and requested the Planning Commission deny the proposed development.

Laura Turner, 1108 Dickinson Lane, Franklin, represented Citizens for Old Natchez Trace. She explained how she overlaid the 1935 National Parks Service map with the original 1801 Natchez Trace over the Alice Hooker property. In doing this she discovered that portions of the original roadbed for The Natchez Trace are located on the Alice Hooker property. She shared her concern for the potential degradation of the historic roadbed of The Natchez Trace if this development is approved. She urged the Planning Commission to deny the application.

Michael Stuhlreyer, 212 Baltusrol Road West, spoke on behalf of former County Commissioner Mary Brockman, who served with Alice Hooker on the board of Land Trust for Tennessee. She requested the Planning Commission deny the Hooker plan. She stated that this plan devalues the property of adjacent landowners and creates long-term issues for those residing in the area. She stated that the traffic proposal is inadequate, natural resources are not protected, and slippage soils remain. She urged denial of the application.

John Allen, 1183 Sneed Road West, resides across from the proposed development and shared concern that stormwater drainage issues will affect nearby properties. He expressed his disappointment for the lack of professionalism by the applicant presented throughout the process of this proposal and urged Planning Commission to deny the application.

Shawn Henry, Attorney, 315 Deaderick Street, Suite 1700, Nashville, represented property owners located near the proposed development. He noted a decision made by the Court of Appeals two nights prior that enables Planning Commission members to consider the County Land Use Plan, Zoning Regulations, and Subdivision Regulations when making a decision. He noted that, in comparison to nearby developments, the proposed Alice Hooker development lot size is considerably smaller, at roughly three (3) homes per acre. He stated this development is not representative of the location. He noted that Hunting Hollow Lane, on the proposed development, exceeds block face Subdivision Regulation

5(3)(g). He urged the Planning Commission to deny the Hooker Property Concept plan.

Matt Williams, 106 Kiln Hill Court, Franklin is a County Commissioner for the 9<sup>th</sup> District and noted significant impacts to his constituents that live in the area. He shared concern that the application was incomplete at the November 2020 Public Hearing. He questioned why the Planning Commission was advised to accept Staff's recommendation and noted the recent decision made by the Court of Appeals that enables the Planning Commission to consider the Comprehensive Land Use Plan when making a decision. He stated that this development is not representative of the 2040 Comprehensive Land Use Plan and encouraged the Planning Commission to deny the application.

Rick Roberts, 6313 Milbrook Road, Brentwood, owns ninety-four (94) acres nearby on Sneed Road. He noted that the Williamson County 2040 Comprehensive Land Use Plan was in effect at the time the application was submitted. He stated that the Tennessee Court of Appeals recently made a decision that enables land use decisions to consider the current Comprehensive Land Use Plan. He noted that the Hooker Concept Plan is not compatible with the surrounding area and road conditions in this area are currently overburdened. He requested the Planning Commission apply the 2040 Comprehensive Land Use Plan and deny the application.

Dr. Susan Snyder, 2735 Sawyer Bend Road, noted the diverse wildlife and landscapes that inhabit the area. She stressed the importance of land preservation and noted that once the land is developed the landscape and wildlife habitat is forever changed.

Baxter Overton, 2735 Sawyer Bend Road, signed up to speak but was not present.

Susie Black, 1108 David Drive, Franklin, expressed her appreciation for the work the Planning Commission performs. She asked that the Planning Commission deny the application. She based this request for denial on evidence of the historic Natchez Trace existing on the property, she noted that submitted traffic data included incorrect calculations and a low growth factor that is not representative of the existing and future traffic issues.

Todd Baur, 121 North Berwick Lane, is a certified real estate appraiser for over thirty years and is currently the president of the largest appraisal company in the nation. He stated the proposed development is completely inappropriate, irresponsible, and in no way conforms to the surrounding area. The development will negatively impact traffic conditions, infrastructure, and natural landscapes. He commended Planning Commissioners for being guardians and stewards of lands and planning for Williamson County. He encouraged the Planning Commission to deny the application.

Dick Gygi, 2750 Broyles Lane, Franklin, stated that the Hooker Development does not meet the requirements of the Williamson County 2040 Comprehensive Land Use Plan. He expressed that traffic volume ignored existing issues on Vaughn Road and traffic data submitted included incorrect calculations grossly underestimating future estimates. He stated that this development is incompatible with the surrounding area and urged denial of the application.

Shannon Banks, 403 Horseshoe Lane, shared concerns that pertain to the reduced quality of life and increased traffic safety issues, noting that the nearby Stephens Valley Subdivision is not to capacity and that the existing infrastructure cannot handle the current traffic load.

Michael Large, 121 Steeplechase Lane, has lived on his property for twenty (20) years. He noted that documents submitted by the applicant to the Planning Department after the Planning Commission meeting of November 12, 2020 showed

proof that the application submitted was incomplete at the November Planning Commission meeting. Therefore the application should not be considered. He noted the proposed average lot widths are forty feet (40') and compared this to the average two-car garage size of twenty one feet (21') in width. His conclusion is that this will be a development of three-story homes referred to as "tall skinnys". He stated that this is far too dense for the location. He noted that the development shows right hand turn lanes only at the three (3) entrances (all within a quarter (1/4) of a mile from each other), which means that anyone turning left into the development will be backing up traffic in an already heavy traffic area. He urged the Planning Commission to deny this development.

Marquis Gough, 801 Del Rio Pike, voiced his support for the proposed subdivision and the rights of property owners. He noted that the proposed plan is legal, adheres to the laws as written, and did not ask for special consideration. He encouraged Planning Commission to approve the development.

Sam Greene, 1209 Temple Ridge Drive, noted that the traffic count cannot be accurate as schools and businesses have been closed due to the Covid-19 pandemic. The high density development is not harmonious with the surrounding area. He mentioned a petition that holds over two-thousand (2,000) signatures of residents opposing this development. He urged the Planning Commission to live up to the excellence of the Williamson County 2040 Comprehensive Land Use Plan.

Donna Greene, 1209 Temple Ridge Drive, noted that in September of 1995, Alice Hooker imposed a deed restriction on her property. The deed restriction stated that the property is not to be subdivided into lots less than five (5) acres each. Alice Hooker passed on July 31, 2020. Upon her death her offspring filed a release of the property deed restrictions. Alice Hooker was remembered for her love of the land and was honored as a visionary leader by the Land Trust of Tennessee in 2019. She requested the Planning Commission uphold Alice Hooker's wishes and encouraged denial of this proposal.

Shannon Kasakevics, 1065 Vaughn Crest Drive, has been a resident of Tennessee for twenty-five (25) years. She expressed her love for the rural character of the area and its indigenous wildlife. She urged the Planning Commission to consider existing traffic issues, wildlife, and rural location when making a decision.

Rodes Hart, 425 Westview Avenue, resides within a mile of the proposed development and shared the importance of rules of law and property rights. He values an individual's right to do with their property what they deem appropriate. He noted that he is in favor of this development and stated that according to several experts, this proposal meets and exceeds the requirements of the law. He stated that this property is surrounded by residential neighborhoods that were approved by the Planning Commission for development and noted that those opposed to this development live in similar nearby developments. He acknowledged that the location is no longer rural, it is suburban. He stated that this is the Hooker's property and they have a right to do with their property what they wish. He encouraged the Planning Commission to listen to the recommendation of the Planning Staff and approve this plan.

Dorie Bolze, 201 Deerfield Lane, CEO of the Harpeth Conservancy and a former member of the Stormwater Appeals Board, she requested the Planning Commission deny this proposal and reconsider the vote for Item 15 based on the application not having met the Stormwater requirements at the time of the November 2020 Planning Commission meeting, and therefore garnering the application incomplete.

Jerry Rainey, 637 Beech Creek Road, Brentwood, is a County Commissioner for the 8<sup>th</sup> District and has lived on his property for forty (40) years. He shared his concerns for traffic safety and encouraged the Planning Commission to deny the application.

Shanna Graham, 1108 Sneed Glen Drive, shared concerns regarding the traffic study being conducted during the Covid-19 pandemic. She stated the study is outdated and flawed with incorrect values. She asked the Planning Commission to deny the proposal as it devalues the Williamson County 2040 Comprehensive Land Use Plan.

Michelle Shaw, 326 Vaughn Road, spoke to her experiences with a cautionary tale of rural planning gone awry and provided the example of Arrowhead Ranch in Glendale, Arizona. She noted that once land is gone to development it cannot be recovered. Preservation is to be appreciated. She pleaded with the Planning Commission to be wise and to learn from the mistakes of other communities. She urged the Planning Commission to deny the high density development.

Kim Sharp, 2528 Old Natchez Trace, is a board member of the Harpeth Conservancy and requested denial of this proposal. She stated the application was incomplete, and noted that required materials were submitted after the November 2020 deadline. She shared concern that the development will have long-term financial and lifestyle impacts on Williamson County residents.

Chairman Lackey closed the Public Hearing.

Chairman Lackey noted that a representative for the applicant requested to speak.

Mr. Thompson noted that Erica Garrison is present to speak on behalf of the applicant. He also requested the opportunity to present the project.

Chairman Lackey approved.

Erica Garrison, Attorney, of Waller and Lansden spoke on behalf of the applicant. She stated that the application is complete and in compliance with the Williamson County Zoning Ordinance. The application has been reviewed and was recommended for approval by the Williamson County Planning Department. She noted that Staff has placed conditions for approval and the applicant agrees with such conditions.

Mr. Thompson presented a slideshow regarding the Alice Hooker Property conservation subdivision.

Chairman Lackey asked Mr. Matteson about the recent court case.

Commissioner Lothers requested a five (5) minute recess.

Chairman Lackey granted a five (5) minute recess.

Upon return from recess, Mr. Matteson stated that the Tennessee Court of Appeals issued a verdict two (2) edays prior that enables Planning Commissions to not only utilize the Zoning Ordinance and Subdivision Regulations, but also consider consistency with the Comprehensive Plan. He noted that the current Williamson County 2040 Comprehensive Plan was approved prior to this application being submitted to Staff.

Commissioner Baldree noted that nearby subdivisions along Vaughn Road such as, Stockett Creek, Horseshoe Bend, Steeple Chase, Stonebridge, and Laurelbrooke have half (1/2) acre lots or larger.

Commission Lothers noted this proposal contains numerous "critical" lots and asked Staff about the use of individual Site Plans for "critical" lots. She questioned if this was due to the slope of the property or unbuildable land.

Mr. Matteson noted that the number of "critical" lots are due to slopes in excess of fifteen percent (15%) and stated that the Zoning Ordinance allow it and requires these lots have individual Site Plans when submitting for building permits.

Erica Garrison of Waller and Lansden asked if they could respond to the question regarding the Comprehensive Plan and the recent case law being mentioned/considered.

Commissioner Lothers noted in a point of order that according to the By-Laws, the applicant has had the opportunity to present their case. She noted that the Planning Commission is in deliberation and referred the applicant to Attorney Ransom for further questions.

Chairman Lackey asked Attorney Ransom if she wanted to say anything.

Attorney Ransom stated that she would address questions of case law, if any, for the Planning Commission.

Commissioner Richter understands that the Planning Commission has the ability to consider the Williamson County 2040 Comprehensive Land Use Plan when making a decision.

Attorney Ransom clarified that the reason the Planning Commission can consider the Comprehensive Plan when making decisions is because the Subdivision Regulations refer the Planning Commission to consider the Comprehensive Plan. In the past, case law limited the use of the Comprehensive Plan in decision making. However, two (2) days prior to this meeting the Court of Appeals issued a ruling that advises that consideration of the Comprehensive Plan is appropriate, in addition to provisions of the applicable ordinances and regulations.

Commissioner Sanders asked Mr. Matteson if the application was complete, on-time, in compliance, and legal.

Mr. Matteson replied that the Staff report noted the completeness of the application and compliance at the end of the review process.

Commissioner McCord asked Attorney Ransom if she was referring to the 2040 Comprehensive Plan or the previous Comprehensive Plan.

Attorney Ransom stated the applicable Comprehensive Plan would be the one in place at the time of the applicant's submission. In this case it is the one adopted in March of 2020 which is the Williamson County 2040 Comprehensive Plan.

Commissioner McCoy compared the proposed development to nearby developments and recognized that the lot sizes of the proposed development are half the size in comparison. He stated his appreciation for the included open spaces in this proposal and explained that these open areas could not be developed due to slopes and soil conditions. When taking into account the 2040 Comprehensive Plan passed in March 2020 and the Subdivision Regulations, it is hard to approve an eight thousand square foot (8,000 sq. ft.) lot. He shared concerns of this development fitting within the context of the area and simultaneously adhering to the goals of the Comprehensive Plan. He asked the applicant if Dan Terranova was present to address questions regarding colluvial and slippage soils evaluated on the property.

Mr. Terranova responded that colluvial soils are gravity deposited soils and explained the various soil deposits found on the property.

Commissioner McCoy asked Staff if global stability of steep slopes is considered.

Mr. Heflin responded that Staff reviews for slope stability but not global stability.

Commissioner McCord asked the applicant about cost of improvements to Sneed, Vaughn, and Old Hillsboro Roads.

Mr. Terranova responded that the cost of improvements to Hillsboro Road at Sneed Road, Vaughn Road at Sneed Road, and Vaughn Road at Old Hickory is approximately 2.5 million to 3 million dollars.

Commissioner Richter discussed buildable land space, density, and lot size and noted that this development is not compatible with nearby developments.

Commissioner Baldree stated that this proposal does not mirror the character of other developments in the area. She discussed the current need for roadway improvements, and after reviewing the traffic study for this proposed development she did not find the improvements sufficient to fill the future need if this proposal were to be developed. She shared similar concerns regarding soil conditions and development.

Commissioner Lothers expressed her appreciation for those who spoke and for the presentation provided by the applicant. She recognized that growth must occur and that the role of a Planning Commissioner is to not impede on the property rights of individuals but to review applications provided by applicants, to consider public policy as well as rules, regulation and laws. The Planning Commission is a reactive process to a review whose policies are vetted, based on community will, the Comprehensive Plan, and preservation. She stated her support for Mrs. Hooker's right to develop her property within the guidelines of the 2040 Comprehensive Plan and to consider the character of the area.

Commissioner McCoy added to Commissioner McCord's question regarding traffic improvement costs and noted that roadway improvements are the responsibility of the incomplete Stephens Valley Subdivision and not of this proposal. He noted that if approved, construction on this development could not begin until traffic improvements required of Stephens Valley are complete.

There being no further comments, Chairman Lackey asked for a motion.

Commissioner Lothers made a motion to deny Item 16 based on material concerns raised by the public and professionals that have come forward and the basis that it is not consistent with the surrounding area or in-line with the approved Williamson County 2040 Comprehensive Plan. Commissioner Richter seconded the motion and added that it is questionable that this proposal conforms to the Land Use Plan. The motion passed with a 9-1 roll call vote with Commissioner McCord voting "no" and Commissioner Crohan recused.

### **ITEM 17**

#### **REVISED CONCEPT PLAN REVIEW FOR TROUBADOUR GOLF AND FIELD CLUB, CONTAINING 375 LOTS ON 778.71 ACRES LOCATED OFF OF COX ROAD IN THE 5<sup>TH</sup> VOTING DISTRICT (1-2020-209)**

Mr. Matteson reviewed the background (see Staff Report), and recommended approval of the revised Concept Plan, along with the requests for a 40-foot right-of-way width and a design speed of twenty-five (25) MPH within the subdivision, with the same conditions of approval that were established at the February 2008 meeting (See Attachment 17-3), as well as the following additional conditions:

1. Prior to the submittal of a Preliminary Plat for any lots within the expanded portion of the subdivision, construction plans for the new site entrance, including turn lane improvements, must be approved by the Highway Department; and

2. Prior to the submittal of a Final Plat for any lots within the expanded portion of the subdivision, turn lane improvements at the new site entrance must be completed to the satisfaction of the County's Highway Superintendent.

Mr. Matteson noted that the applicant submitted a revision to the Site Plan that included a stub of roadway on Troubadour Drive to the property to the east in the event that that property is developed in the future. He added that the red hatched area on the Revised Concept Plan is the area being added to the development. He announced that this is a Public Hearing. However, there were no speakers present.

Brian Cochran, 6465 Cox Road, signed up to speak but was not present.

Chairman Lackey asked if there were questions of Staff.

Commissioner Lucyshyn inquired about the density history.

Chairman Lackey noted the changes in the number of lots since 2008.

Commissioner Lothers inquired about the deceleration lanes and additional Staff recommendations when it came to roadway improvements.

Mr. Heflin noted that Staff will review roadway improvements when the applicant submits construction plans.

Commissioner Lothers shared public concerns for issues on Patton Road.

There being no further comments, Commissioner McCoy made a motion to accept Staff's recommendation on Item 17. Commissioner Sanders seconded the motion, and the motion passed by unanimous roll call vote.

### **ITEM 18**

#### **RESOLUTION TO REPLACE SECTION 13.05 WITH ARTICLE 19 AND REVISE ARTICLE 23 CONCERNING FLOOD HAZARD REDUCTION AND COMPLIANCE WITH THE NFIP (6-2020-600)**

Mr. Heflin reviewed the background (see Staff Report). Staff recommended approval of the proposed amendment, and recommended the resolution be forwarded to the County Commission for adoption.

Commissioner Lothers noted her appreciation for Mr. Heflin, stating that this is important to keep current in the event of flooding property owners can apply for relief.

Mr. Heflin added his appreciation to Mr. Holmes and Attorney Ransom whom assisted in the drafting of this document.

There being no further comments, Commissioner McCoy made a motion to accept Staff's recommendation on Item 18. Commissioner Richter seconded the motion, and the motion passed by unanimous roll call vote.

#### **NON-RESIDENTIAL SITE PLANS:**

### **ITEM 19**

#### **NON-RESIDENTIAL SITE PLAN REVIEW FOR SLOAN FARM RURAL RETREAT, NONTRADITIONAL WASTEWATER TREATMENT FACILITY, ON 107.1 ACRES LOCATED OFF CARL ROAD IN THE 9<sup>TH</sup> VOTING DISTRICT (5-2019-012)**

Mr. Holmes reviewed the background (see Staff Report), and noted that the applicant requested action on this Item be deferred until the February 2021 meeting. Staff concurred with this request.

There being no comments, Commissioner Richter made a motion to accept Staff's recommendation on Item 19. Commissioner McCoy seconded the motion, and the motion passed by unanimous roll call vote.

**FINAL PLATS:**

**ITEM 20**

**FINAL PLAT REVIEW FOR BART ASHLEY PROPERTY, LARGE LOT EASEMENT, CONTAINING 4 LOTS ON 67.12 ACRES LOCATED OFF SKINNER ROAD IN THE 5<sup>TH</sup> VOTING DISTRICT (1-2020-432)**

Mr. Sweet reviewed the background (see Staff Report), and Staff recommended approval of the Final Plat with the following conditions.

1. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District in the amount of \$153,560;
2. A Notice of Coverage issued by TDEC will be required prior to the signing of the plat;
3. A Land Disturbance Permit must be obtained for the overall development; and
4. Driveway and drainage infrastructure must be complete, consistent with Zoning Ordinance requirements, prior to issuance of building permits.

Commissioner Lucyshyn asked Staff to define the differences between a road and an easement. She also questioned why Lot 2 extended behind Lots 3 and 4.

Mr. Sweet noted that the extension of Lot 2 is due to septic areas. He explained that a maximum of five (5) lots are allowed off an easement, additional lots would require a public road.

There being no further comments, Commissioner Lothers made a motion to accept Staff's recommendation on Item 20. Commissioner McCoy seconded the motion, and the motion passed by unanimous roll call vote.

**ITEM 21**

**FINAL PLAT REVIEW FOR NELSON CREEK, LARGE LOT EASEMENT, CONTAINING 5 LOTS ON 26.49 ACRES LOCATED OFF CROCKETT LANE IN THE 5<sup>TH</sup> VOTING DISTRICT (1-2020-433)**

Mr. Sweet reviewed the background (see Staff Report), and Staff recommended approval of the Final Plat with the following conditions.

1. Establishment of Performance Bonds for water improvements in favor of Nolensville/College Grove Utility District in the amount of \$170,000 for site work and \$100,000 for Horton Highway crossing;
2. A Notice of Coverage issued by TDEC will be required prior to the signing of the plat;
3. A Land Disturbance Permit must be obtained for the overall development; and



4. Driveway and drainage infrastructure must be complete, consistent with Zoning Ordinance requirements, prior to issuance of building permits.

There being no comments, Commissioner McCoy made a motion to accept Staff's recommendation on Item 21. Commissioner Richter seconded the motion, and the motion passed by unanimous roll call vote.

**ITEM 22**

**FINAL PLAT REVIEW FOR HARRIS SUBDIVISION, LARGE LOT EASEMENT, CONTAINING 1 LOT ON 5.88 ACRES LOCATED OFF NOLENSVILLE ROAD IN THE 5<sup>TH</sup> VOTING DISTRICT (1-2020-434)**

This item has been withdrawn.

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There being no further business, the meeting was adjourned at approximately 9:49 p.m.

**APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION ON JANUARY 14, 2021.**

\_\_\_\_\_ CHAIRMAN JOHN LACKEY